

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CHRISTINE HURSTON, o/b/o I.B.,

Plaintiff,

CASE NO. 12-12288  
HON. MARIANNE O. BATTANI

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

\_\_\_\_\_ /

**OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION DENYING  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND GRANTING IN PART  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Christine Hurston, brings this action on behalf of her minor son, I.B., pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying the application for supplemental security income under Title XVI of the Social Security Act. Plaintiff filed the claim on behalf of I.B. on January 12, 2009, alleging a disability onset date of September 1, 1998. In his Decision, dated February 23, 2011, the Administrative Law Judge ("ALJ") concluded that I.B. was not disabled.

After the Appeals Council denied review, Hurston timely filed this action for judicial review of the Commissioner's decision. The case was referred to Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636. In a Report and Recommendation ("R&R") dated June 27, 2013, Magistrate Judge Grand recommended that Defendant's Motion for Summary Judgment be denied and that Plaintiff's motion be granted as to the request for remand and denied to the extent it asks for an award of benefits. The Magistrate Judge

also recommended that the matter be remanded to the administrative law judge for further proceedings consistent with the R&R pursuant to sentence four of 42 U.S.C. § 405(g).

In her Report and Recommendation, the Magistrate Judge informed the parties that objections to the R&R needed to be filed “within fourteen (14) days of service” and that a party’s failure to file objections would waive any further right of appeal. (Doc. No. 20 at 26-27). Neither party filed an objection. Moreover, this Court agrees with the thorough analysis contained in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge’s recommendation, **DENIES** Defendant’s Motion for Summary Judgment, **GRANTS IN PART AND DENIES IN PART** Plaintiff’s Motion for Summary Judgment, and **REMANDS** this matter pursuant to sentence four for further proceedings and consideration consistent with the Report and Recommendation.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
HON. MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

DATE: July 25, 2013

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon all parties of record via the Court’s ECF Filing System.

s/Bernadette M. Thebolt  
Case Manager